

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Sprint Communications Company L.P.)	
)	File No. ITC-214-20000302-00127
Application for Authority to Lease)	
And Operate Additional Satellite)	
Facilities for Service Between the)	
United States and Cuba)	
)	

ORDER AND AUTHORIZATION

Adopted: May 25, 2000

Released: May 26, 2000

By the Chief, Telecommunications Division:

I. Introduction

1. In this Order, we grant Sprint Communications Company, L.P. ("Sprint"), authority, pursuant to Section 214 of the Communications Act of 1934, as amended,¹ and Section 63.18 of the Commission's rules,² to upgrade an existing private line circuit between an authorized international earth station in Franklin, New Jersey and an INTELSAT Atlantic Ocean Region ("AOR") satellite, together with necessary connecting facilities, from 256 Kilobits per second (Kbps) to 2 Megabits per second (Mbps). The facilities are used to supplement Sprint's existing facilities to provide authorized international private line services on the U.S.-Cuba route.

II. Background

2. Sprint is a limited partnership organized under the laws of Delaware and is a common carrier subject to the Communications Act of 1934, as amended. Sprint is currently authorized by the Commission to provide service directly to Cuba.³ On March 2, 2000, Sprint filed this

¹ 47 U.S.C. § 214.

² 47 C.F.R. § 63.18.

³ See *Wiltel International, Inc.*, 9 FCC Rcd 5806 (1994) (authorizing Sprint to lease and operate one E-1 circuit (30 64-Kbps circuits) and to provide all authorized services between the United States and Cuba); *Sprint Communications L.P.*, 9 FCC Rcd 2827 (1994) (authorizing Sprint to lease and operate one 2-Mbps digital satellite circuit for direct packet data service between the United States and Cuba); *Sprint Communications L.P.*, File No. ITC-214-19981021-00739, DA 99-227 (rel. January 26, 1999) (authorizing Sprint to upgrade its existing U.S.-Cuba satellite circuit from 64 Kbps to 256 Kbps); *Sprint Communications L.P.*, File No. ITC-214-19990316-00141, DA 99-903 (rel. May 17, 1999); (authorizing Sprint to lease and operate one additional 2 Mbps (E-1) digital satellite circuit between the United States and Cuba).

Application seeking authority to lease and operate additional satellite facilities for service between the United States and Cuba.⁴ On March 15, 2000, we placed the application on public notice.⁵ We received no comments or petitions to deny.

III. Discussion

A. Policy Guidelines for Applications to Serve Cuba

3. In a letter dated July 22, 1993,⁶ the U.S. Department of State informed the Commission of the Executive Branch's policy guidelines for implementation of the telecommunications provisions of the Cuban Democracy Act of 1992, which provides that "telecommunications services between the United States and Cuba shall be permitted."⁷ Among the policy guidelines are the following requirements: 1) the proposals must have the potential to be operational within a year; 2) settlements must not be more favorable to Cuba than the current 50/50 split of the \$1.20 per minute accounting rate and Cuba must cover half the costs of construction, maintenance and/or lease of transmission facilities; 3) proposals must be limited to equipment and services necessary to deliver a signal to Cuba; 4) proposals must utilize modes of communications already in place between the U.S. and Cuba;⁸ and 5) carriers shall report the number of circuits activated by facility on June 30 and December 31 of each year and on the one-year anniversary of the FCC authorization. Furthermore, applicants must provide a narrative description of their proposed agreement as well as a sworn statement that the foreign correspondent agrees to activate the proposed circuits on the Cuban end.⁹

4. Sprint states that the proposed facilities will be operational within a year and that the facilities requested are necessary for, and limited to, the delivery of a signal to an international telecommunications gateway in Cuba. Because the proposed facilities are private line circuits, there are no settlement payments. Sprint states that it and its foreign correspondent, Empresa de

⁴ See *Sprint Communications L.P.*, Application for Authority to Lease and Operate Additional Satellite Facilities for Service Between the United States and Cuba, File No. ITC-214-20000302-00127 (filed March 2, 2000) ("Application").

⁵ See *Non-Streamlined International Applications Accepted for Filing*, Report No. TEL-00193NS (rel. March 15, 2000).

⁶ See Letter from Richard C. Beaird, Acting U.S. Coordinator and Director, Bureau of International Communications and Information Policy, U.S. Department of State to James H. Quello, Chairman, Federal Communications Commission (July 22, 1993) ("Department of State letter").

⁷ See 22 U.S.C. § 6004(e)(1).

⁸ Proposals utilizing new modes of communications will be reviewed by the appropriate agencies on a case-by-case basis, as stated in the Department of State letter. See Department of State letter at 2.

⁹ See Department of State letter at 3.

Telecomunicaciones de Cuba S.A. ("ETECSA") will each provide and bear the cost of matching half circuits and connecting facilities.

5. The proposed service will use a mode of communication, specifically an INTELSAT satellite, already in place between the United States and Cuba. Specifically, Sprint states that it will provide international private line services by interconnecting with an authorized earth station in Franklin, New Jersey (FRN-03A), that will communicate with the INTELSAT AOR satellite at 335.5° E.L.

6. Sprint states that it shall continue to report circuit usage to the Commission on June 30 and December 31 of each year and on the one-year anniversary of its authorization, as it is required to do under its previous authorizations. A copy of Sprint's operating agreement with ETECSA is already on file with the Commission under Sprint's prior authorization.¹⁰ Sprint submitted a sworn affidavit that the Cuban telecommunications entity agrees to activate the proposed circuits and facilities.¹¹ Finally, Sprint states that it has already secured the necessary licenses from the U.S. Department of the Treasury and the U.S. Department of Commerce in connection with its prior authorization.

7. Based upon the above information, we find that the Application is consistent with the Executive Branch guidelines set forth in the Department of State letter for implementation of the Cuban Democracy Act of 1992.

B. Dominant Carrier Safeguards

8. For each international section 214 application we must examine whether it is necessary to impose the Commission's international dominant carrier safeguards on an applicant in its provision of service on the route or routes for which the applicant seeks authorization.¹² Sprint is not a foreign carrier in Cuba and does not control and is not affiliated with ETECSA, the only authorized telecommunications carrier in Cuba.¹³ Sprint, therefore, will not be subject to dominant carrier safeguards on the U.S.-Cuba route at this time.

¹⁰ See *Sprint Communications L.P.*, File No. 94-247.

¹¹ See Affidavit of Mr. Jorge M. Perez Ponce, International Regional Manager, Sprint Communications Company, L.P., Attachment to Application, File No. ITC-214-20000302-00127 (stating that Sprint's foreign correspondent, ETECSA, has agreed to activate the proposed circuit on the Cuban end).

¹² The Commission's international dominant carrier safeguards are set forth in Section 63.10(c)-(d) of the Commission's rules (as amended in *International Settlement Rates*, IB Docket No. 96-261, Report and Order on Reconsideration and Order Lifting Stay, FCC Docket No. 99-124 (rel. June 11, 1999)).

¹³ ETECSA is a joint venture operated by the Ministry of Communications of the Republic of Cuba, with a 29% interest held by Stet International (based in Brussels, Belgium), a subsidiary of Telecom Italia (based in Rome, Italy). See U.S.-Cuba Trade and Economic Council, *Economic Eye on Cuba* (8 May 2000 to 14 May 2000) at 2.

IV. Other Considerations

9. The Commission also considers other public interest factors that may weigh in favor of, or against, granting an international Section 214 application, including national security, law enforcement, foreign policy and trade concerns.¹⁴ Accordingly, we informed the U.S. Department of State of the Application.¹⁵ The U.S. Department of State advised us that it approves the grant of this Application.¹⁶

10. This authorization will result in increased availability of private line facilities on the U.S.-Cuba route to better fulfill consumer demand. Therefore, we find that granting the Application will further the goals of the Cuban Democracy Act of 1992, which calls for the authorization of facilities “in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.”¹⁷

V. Conclusion

11. Upon consideration of the Application and in view of the foregoing, we find that the present and future public convenience and necessity require a grant of the application, subject to the specific conditions set forth below.

VI. Ordering Clauses

12. Accordingly, IT IS ORDERED that application File No. ITC-214-20000302-00127 IS GRANTED, and Sprint is authorized, pursuant to Section 63.18 of the Commission’s rules, 47 C.F.R. § 63.18, to lease and operate additional satellite facilities for service between the United States and Cuba and specifically to upgrade an existing private line circuit between an authorized international earth station in Franklin, New Jersey and an INTELSAT Atlantic Ocean Region satellite at 335.5° E.L., together with necessary connecting facilities, from 256 Kilobits per second (Kbps) to 2 Megabits per second (Mbps) to supplement Sprint’s existing facilities providing authorized international private line services on the U.S.-Cuba route.

¹⁴ See *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23919 ¶¶ 61-66 (1997) (*Foreign Participation Order*), recon. pending.

¹⁵ See Letter from Rebecca Arbogast, Chief, Telecommunications Division, International Bureau, Federal Communications Commission to Richard Beaird, Acting United States Coordinator, Office of International Communications and Information Policy, U.S. Department of State (March 16, 2000).

¹⁶ See Letter from Richard Beaird, Acting United States Coordinator, Office of International Communications and Information Policy, U.S. Department of State to Rebecca Arbogast, Chief, Telecommunications Division, International Bureau, Federal Communications Commission to (April 25, 2000).

¹⁷ Section 1705(e)(2) of the Cuban Democracy Act of 1992, 22 U.S.C. § 6004(e)(2).

13. IT IS FURTHER ORDERED that Sprint shall comply with the requirements specified in Sections 63.11, 63.14, 63.17, 63.19, 63.21 and 63.22 of the Commission's rules. 47 C.F.R. § 63.11, 63.14, 63.17, 63.19, 63.21 and 63.22.

14. IT IS FURTHER ORDERED that Sprint shall submit reports on or before June 30 and December 31 of each year, and on the one-year anniversary of the notification in the Federal Register of the grant of its original authorization to provide service to Cuba, indicating the number of circuits activated by facility.

14. IT IS FURTHER ORDERED that this Order is subject to revocation without a hearing in the event the Department of State or the Federal Communications Commission determines that the continuation of communications between the United States and Cuba is no longer in the national interest.

15. IT IS FURTHER ORDERED that Sprint shall file a Section 214 application for any additional circuits it proposes to establish between the United States and Cuba.

16. IT IS FURTHER ORDERED that acceptance of this authorization shall be deemed acceptance of the conditions set forth herein.

17. IT IS FURTHER ORDERED that this authorization, issued pursuant to Section 0.261 of the Commission's rules, is effective upon release. Petitions for reconsideration under Section 1.106 or applications for review under Section 1.115 of the Commission's rules may be filed within 30 days of public notice of this Order (*see* Section 1.13).

FEDERAL COMMUNICATIONS COMMISSION

Rebecca Arbogast
Chief
Telecommunications Division
International Bureau